

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

CENTRAL MUTUAL INSURANCE)	Civil Action No. 1:21-cv-00469-JMC
COMPANY AS SUBROGEE OF)	
BRENDA WYATT,)	
)	
Plaintiff,)	PLAINTIFF’S MOTION FOR PARTIAL
)	SUMMARY JUDGMENT
vs.)	
)	
RESIDEO TECHNOLOGIES, INC.,)	
THERMA-STOR, LLC, AND REGAL)	
BELOIT CORPORATION,)	
)	
Defendants.)	

1. Plaintiff Central Mutual Insurance Company as subrogee of Brenda Wyatt (“Plaintiff” or “Central”), pursuant to Federal Rule of Civil Procedure 56, files this Motion for Partial Summary Judgment against Defendants Therma-Stor, LLC (“Therma-Stor”) and Resideo Technologies, Inc. (“Resideo”) with respect to their statute of limitations and statute of repose affirmative defenses.

2. Plaintiff seeks summary judgment on Defendants Therma-Stor and Resideo’s affirmative defenses of statute of limitations and statute of repose. Simply put, there is no genuine issue of material fact and Plaintiff should have judgment as a matter of law on these affirmative defenses. Plaintiff indisputably brought this lawsuit timely under the applicable South Carolina statute of limitations and South Carolina does not have a statute of repose for products like the defective Dehumidifier in this case. Therefore, Plaintiff requests that the Court grant it summary judgment on these affirmative defenses.

3. This motion is based on the Plaintiff’s Memorandum in Support of its Motion for Partial Summary Judgment filed in conjunction with this Motion and attached hereto.

Respectfully submitted,

HENDERSON, BRANDT & VIETH, P.A.

By: /s/ George Brandt, III
George Brandt, III

360 East Henry Street, Suite 101
Spartanburg, South Carolina 29302
Telephone: 864.582.2962
Email: gbrandt@hbvlaw.com

and

MUNCK WILSON MANDALA, LLP

/s/ Mark W. Moran
MARK W. MORAN
Texas Bar No. 00788076
600 Banner Place Tower
12770 Coit Road
Dallas, Texas 75251
Telephone: 972-628-3600
Facsimile: 972-628-3616
Email: mmoran@munckwilson.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November 2021, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, District of South Carolina, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ George Brandt, III
George Brandt, III